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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,369

10/07/2003

Pavel V. Korchagin

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06/30/2006

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EXAMINER

PICO, ERIC E

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,369

Applicant(s)

KORCHAGIN ET AL.

Examiner

Eric Pico

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1, 2, 9, 10, 12, 13, and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Nemeth U.S. Patent No. 1115093.

3. **Regarding claim 1**, Ho discloses a vertically mobile corridor, referred to as a maintenance lift 71, for the face of a building comprising a pair of rails, referred to as column 12, attached to the face of a building, an elevator car, referred to as lift 70, for carrying passengers on each rail shown in Figure 1, and a corridor extending between the elevator cars 70 for riding up and down the face of the building when the elevator cars travel up and down the face of the building in unison Column 7 Lines 10-15.

4. Ho is silent concerning the corridor being enclosed.

5. Nemeth teaches an enclosed corridor, referred to as cage or car C.

6. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with an enclosure taught by Nemeth to protect passengers on the corridor from fire and falling debris.

7. **Regarding claim 2**, Ho further discloses each elevator 70 having a cog wheel 54, 86, and 89 driven by an electric motor 81 for engaging a toothed portion 21 of the rail 12 for raising and lowering the elevator 70.

8. **Regarding claim 9**, Ho is silent concerning a fireproof insulated wall on an enclosed corridor.

9. Nemeth teaches a fireproof insulated wall, using asbestos a Lines 63-72, on an enclosed corridor facing the building to protect the inside of the corridors.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with fireproof insulated walls disclosed to protect individuals on the corridor from fire.

11. **Regarding claim 10**, Ho is silent concerning a fireproof insulated floor and roof on the enclosed corridor.

12. Nemeth teaches a fireproof insulated roof, using asbestos a Lines 63-72, on an enclosed corridor C to protect the inside of the enclosed corridor.

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor floor disclosed with fireproof insulation taught Nemeth and provide the corridor disclosed by Ho with a fireproof insulated roof taught by Nemeth to protect individuals on the corridor from fire.

14. **Regarding claim 12**, Ho is silent concerning doors on the enclosed corridor.

15. Nemeth teaches doors, referred to as openings O, on an enclosed corridor C to provide access from the enclosed corridor C to the building B.

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16. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with doors on an enclosed corridor to facilitate access from the building to the enclosed corridor.

17. **Regarding claim 13**, Ho further discloses a method for accessing the face of a building. The method disclosed by Ho includes attaching a pair of spaced rails 12 to the face of a building (Column 3, Lines 13-18). Attaching an elevator car 70 to each of the rails 12 (Column 5, Lines 55-62). Attaching a corridor 71 between the elevators 70 (Column 7, Lines 10-12). Running the elevator cars 70 on the rails 12 up and down the face of the building in unison (Column 7, Lines 12-15) to lift and lower the corridor 71 to the desired position to gain access to the surface of the building.

18. Ho is silent concerning the corridor being enclosed.

19. Nemeth teaches an enclosed corridor, referred to as cage or car C.

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the corridor disclosed by Ho with an enclosure taught by Nemeth to protect passengers on the corridor from fire and falling debris.

21. **Regarding claim 18**, Ho discloses a method for accessing the face of a building comprising incorporating an enclosed corridor on the platform to protect those on the platform (Column 7, Lines 12-15).

22. Claim(s) 3 and 6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Nemeth U.S. Patent No. 1115093 as applied to claim 1 above, and further in view of Bates U.S. Patent No. 642779.

23. **Regarding claim 3**, Ho is silent concerning an enclosed corridor pivotally connected to each elevator car.

24. Bates teaches a vertically mobile corridor 15 for the face of a building having corridor 15 pivotally connected 16 to each elevator car 14.

25. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a pivotal connection taught by Bates to the elevator car and the corridor disclosed by Bates to facilitate the connection between the elevator car and the corridor.

26. **Regarding claim 6**, Ho is silent concerning corner corridor portion attached to an elevator for connecting to other corridor portions at the corners of the building.

27. Bates further teaches a corner corridor portion 14 attached to an elevator 23 for connecting to other corridor portions 14 at the corners of the building, shown in Figure 3.

28. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the vertically mobile platform disclosed by Ho to include corner corridor portions at the corners of the building taught by Bates to access all four sides of the building.

29. Claim(s) 5, 11, and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Nemeth U.S. Patent No. 1115093 as applied to claim 1 above, and further in view of Karanouh U.S. Patent No. 6443262.

30. **Regarding claim 5**, Ho is silent concerning a scaffold on top of the corridor.

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31. Karanouh teaches a scaffold on top of a corridor shown in Figure 1.

32. It would have been obvious to one of the ordinary skill in the art at the time of the invention to include a scaffold as taught by Karanouh to the top of the corridor disclosed by Ho to reach high areas above a corridor.

33. **Regarding claim 11**, Ho is silent concerning a truss for supporting a platform.

34. Karanouh further teaches a truss 110 for supporting a platform 115.

35. It would also have been obvious to one of the ordinary skill in the art at the time of the invention to include trusses as taught by Karanouh to the platform of Ho to maintain the platforms rigid structure while supporting many individuals.

36. **Regarding claim 18**, Ho is silent concerning a method accessing the face of a building comprising the step of incorporating a scaffold on a corridor.

37. Karanouh further teaches incorporating a scaffold on a corridor.

38. It would have been obvious to one of the ordinary skill in the art to include the step of incorporating a scaffold on a corridor because these steps would result from the use of the device of Ho in view Nemeth and Karanouh in its normal and expected fashion.

39. Claim(s) 7, 8, 14, 15, and 16 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho U.S. Patent No. 4828072 in view of Nemeth U.S. Patent No. 1115093 as applied to claim 1 above, and further in view of Korchagin et al. U.S. Publication No. 2004/0262086.

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40. **Regarding claim 7**, Ho is silent concerning a vertically mobile enclosed corridor for the face of a building having a second elevator car running on at least one of the rails 17.

41. Korchagin et al. teaches having a second elevator car 3, 58 running on rails 17.

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rails disclosed by Ho with a second elevator car taught by Korchagin et al. to facilitate exiting the building.

43. **Regarding claim 8**, Ho is silent concerning a vertically mobile enclosed corridor for the face of a building having an elevator with a crane running on at least one of the rails.

44. Korchagin et al. teaches an elevator 3 with a crane running on rails 17.

45. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rails disclosed by Ho with an elevator with a crane taught by Korchagin et al. to facilitate exiting the building.

46. **Regarding claim 14**, Ho is silent concerning a method accessing the face of a building comprising the step of attaching a second elevator car to at least one of the rails.

47. Korchagin et al. teaches having a second elevator car 3, 58 running on rails 17.

48. It would have been obvious to one of the ordinary skill in the art to include the step of attaching a second elevator car to at least one of the rails because these steps would result from the use of the device of Ho in view Nemeth and Korchagin et al. in its normal and expected fashion.

49. **Regarding claim 15**, Ho is silent concerning a method accessing the face of a building comprising the step of attaching a third elevator having a crane to at least one of the rails.

50. Korchagin et al. teaches an elevator 3 with a crane running on rails 17.

51. It would have been obvious to one of the ordinary skill in the art to include the step of attaching a third elevator car to at least one of the rails because these steps would result from the use of the device of Ho in view Nemeth and Korchagin et al. in its normal and expected fashion.

52. **Regarding claim 16**, Ho is silent concerning a method accessing the face of a building comprising the step of attaching a pod to a crane.

53. Korchagin et al. teaches a pod, referred to as cabin 5, attached to a crane.

54. It would have been obvious to one of the ordinary skill in the art to include the step of attaching pod to a crane because these steps would result from the use of the device of Ho in view Nemeth and Korchagin et al. in its normal and expected fashion.

Response to Arguments

55. Applicant's arguments filed 04/13/2006 have been fully considered but they are not persuasive.

56. In response to applicant's argument "The examiner is using applicant's own publication 1004/0262086 as a reference against him. The publication was incorporated by reference into the application and cannot be used [as] a reference against him".

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57. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

58. Korchagin et al. U.S. Publication 2004/062086 properly falls under 35 U.S.C. 102(e) due to a difference in inventive entities. Note that this reference may be disqualified as prior art under the provisions of 35 U.S.C. 103(c) upon submission of an acceptable showing that the reference ~~at~~ the time the invention was made was commonly assigned.

59. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., elevators along the face of the building with corridors having connections at the corner of the building) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In response to applicant's argument "Ho does not show an elevator car since there is no enclosure on the Ho elevator" is not persuasive. The elevator car 70 is clearly enclosed by rails shown in Figure 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

A handwritten signature in black ink that reads "Kathy Matecki". The signature is fluid and cursive, with the first name "Kathy" and last name "Matecki" clearly distinguishable.

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600